IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 6782 OF 2002

Suryanath Pathak... .... Petitioner.

Versus

Shri Sadashivan K. A. & Ors.. ... Respondents.

Mr. S. S. Kulkarni for the Petitioner.

None for the Respondents.

CORAM : R. M. LODHA &
NARESH H. PATIL, JJ.

DATED : 7TH AUGUST, 2006.

P.C. :

Heard Mr. S. S. Kulkarni, Counsel for the petitioner.

2. The petitioner seeks to challenge the order dated 9th October, 2001 passed by respondent no.1. By the said order dated 9th October, 2001 the petitioner has been discharged from the service.

3. The submission of the Counsel for the petitioner is that subsequent to the order of discharge dated 9th October, 2001, the Commanding Officer ordered that petitioner may be retained in service in the public

interest.

4. The argument does not have any substance. When we asked the Counsel for the petitioner about the order passed by the Commanding Officer that the petitioner may be retained in service in public interest, Counsel relied upon page 15. When we pointed out to him that page 15 does not have the petitioner's name and that it is all blank, the Counsel for the petitioner stated that the said order is at page 16. At page 16 we find that it is recorded that as the petitioner is not willing to continue in alternative employment, his retention is not recommended.

5. As it is, the petitioner having been discharged from the service in accordance with law, we find no justifiable ground to invoke extra ordinary jurisdiction.

6. Writ Petition is dismissed in limine.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)